

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**KEITH RUSSELL JUDD,**

**Plaintiff,**

**v.**

**DEPARTMENT OF STATE OF  
TENNESSEE, et al.,**

**Defendants.**

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**No. 3:11-cv-555**

**Judge Trauger**

**ORDER**

Plaintiff Keith Russell Judd is an inmate at the Federal Correctional Institute in Texarkana, Texas. This court previously entered an order denying the plaintiff's Application to Proceed *in Forma Pauperis* on the grounds that he was barred by 28 U.S.C. § 1915(g) from proceeding as a pauper, having filed substantially more than three civil actions or appeals that were dismissed as frivolous or for failure to state a claim upon which relief might be granted. (See June 21, 2011 Order, ECF No. 4, at 2 (listing cases).) Now before the court are a Motion to Reopen and Stay Proceedings Pending Decision by Judicial Panel on Multidistrict Litigation (ECF No. 7), a Motion for Total Waiver of Filing Fees under the Twenty-Fourth Amendment (ECF No. 8), and a Motion for Preliminary Injunction for Access to Law Library Books and Resources (ECF No. 9).

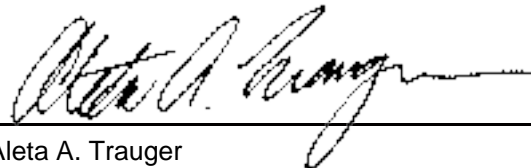
The court construes the Motion for Total Waiver of Filing Fees as a motion to reconsider the order denying the motion to proceed *in forma pauperis*. In this motion, the plaintiff contends that he seeks a waiver of fees under the Twenty-Fourth Amendment to the United States Constitution, which provides that the right of citizens to vote in federal elections "shall not be denied or abridged . . . by reason of failure to pay any poll tax or other tax." (ECF No. 8 (citing *Harman v. Forssenius*, 380 U.S. 528 (1965))). He suggests that the filing-fee requirement in the PLRA is tantamount to a poll tax. He also asserts that, because he is not challenging prison conditions, his suit is not governed by the PLRA. He further claims that this is a class action. These contentions are without merit. The three-strikes provision in 28 U.S.C. § 1915(g) is not a poll tax; the suit is not exempted from the PLRA; and this matter is not and will not be certified as a class action. The motion

for waiver of fees (ECF No. 8) is hereby **DENIED**.

In the motion to stay, the plaintiff asks the court to “Reopen and Stay all proceedings in this case pending the decision of the Judicial Panel on Multidistrict Litigation No. 2276, In re: Keith Russell Judd Voting Rights Litigation, pursuant to 28 U.S.C. § 1407.” (ECF No. 7, at 1.) It appears that in that case, the United States Judicial Panel on Multidistrict Litigation (“MDL”) filed the plaintiff’s motion to transfer several actions to the Western District of Arkansas for consolidated pretrial proceedings. Several states have already opposed the motion and it is before the MDL for a decision.<sup>1</sup> This court finds that it is inappropriate to stay the proceedings in this case until the MDL decides the motion pending before it because (1) there is no motion to transfer this case to the MDL, and (2) in any event this action is not one that may proceed *in forma pauperis*. The Motion to Reopen and Stay Proceedings (ECF No. 7) is therefore **DENIED**.

Because the court has denied the motion to proceed as a pauper and the motion to reconsider that motion, and because the plaintiff has not complied with the court’s order directing him to submit the \$350.00 filing fee in order to proceed with this case, the court declines to consider plaintiff’s wholly unrelated Motion for Preliminary Injunction (ECF No. 9). That motion is **DENIED**.

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

Aleta A. Trauger  
United States District Judge

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<sup>1</sup> The plaintiff has filed a complaint similar or identical to the one filed in this court in nearly every district court in the country. His applications to proceed as a pauper in those cases have been uniformly denied, and in most cases the complaints have been summarily dismissed as frivolous. Those courts in which the plaintiff has filed motions for a waiver of the filing fee under the Twenty-Fourth Amendment to the Constitution and motions to stay like those filed in this court have likewise been denied.